

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

Kevin Kasten and James Poole,
individually and on behalf of others
similarly situated,

Plaintiffs,

v.

Saint-Gobain Performance Plastics
Corporation,

Court File No 07-C-0449

Defendant.

ORDER GRANTING FINAL APPROVAL OF THE SETTLEMENT
AGREEMENT AND JUDGMENT

THIS MATTER came before the Court on February 4, 2009, on a Joint Motion for Final Approval of the Settlement and Judgment. Through their motion and exhibits attached thereto, the above-named Plaintiffs and Defendant Saint-Gobain Performance Plastics Corporation seek final approval of the settlement. This is a collective action under the Fair Labor Standards Act and a Rule 23 class action.

Based on the terms of the Settlement Agreement, Notice of Settlement, Opt-In Notice, Settlement Offer and Release, Claim Form, Final Settlement Allocations spreadsheet, Joint Motion for Final Approval, and all of the files, records, and proceedings herein, the Court finds the following:

1. The Settlement Agreement was reached through arm's-length bargaining;
2. Sufficient investigation, discovery, and motion practice has been completed to enable counsel and the Court to make educated decisions regarding this matter;
3. The parties are represented by counsel experienced in similar litigation, who are familiar with this case;
4. The Plaintiffs and collective and class members received notice of the settlement, and were given 30 days to reject the settlement if desired;

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5. The Plaintiffs and collective and class members were afforded the opportunity to object to the settlement in writing and at the hearing;
6. None of the Plaintiffs or collective class or class members rejected the settlement. The number of objectors and rejecters is not large when compared to the class as a whole;
7. The terms and conditions of settlement set forth in the Settlement Agreement are fair, adequate, reasonable, and in the best interest of the Plaintiffs and collective and class members in light of the foregoing, and the likelihood of success on the merits.

ACCORDINGLY, IT IS HEREBY ORDERED:

1. This Order incorporates by reference the definitions in the Settlement Agreement, all terms used herein shall have the same meanings set forth in the Settlement Agreement.
2. Pursuant to the procedures for a collective action under the Fair Labor Standards Act, a Rule 23 class action, and as otherwise required, this Court hereby GRANTS FINAL APPROVAL of the settlement set forth in the Settlement Agreement and Final Settlement Allocations spreadsheet, and the settlement payments to Plaintiffs, the collective and class members, and counsel outlined therein.
3. Defendant Saint-Gobain Performance Plastics Corporation shall issue and send checks in accordance with the Settlement Agreement and Final Settlement Allocations spreadsheet within 30 days of this Order.
4. The claims in this action are hereby dismissed with prejudice.
5. The Opt-In Plaintiffs who are not Rejecting Plaintiffs are hereby enjoined from prosecuting any Settled Claims against the Released Parties.
6. The non-Rejecting Opt-In Plaintiffs and non-Rejecting Rule 23 Class Members are bound by the release of claims set forth in paragraph 10 of the Settlement Agreement.
8. Without affecting the finality of this Order and Judgment, his Court retains continuing jurisdiction over the parties and the construction, interpretation, implementation, and enforcement of this Settlement Agreement and over the administration and distribution of settlement benefits.

DATED: February 4, 2009

Barbara B. Crabb
Honorable Barbara B. Crabb
United States District Court Judge